

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 1, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier
Ray Stevens
Bob Workman

Commissioners Absent: Larry Hudkins, Chair
Deb Schorr, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 22, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated February 22, 2005. Stevens, Workman and Heier voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Kriss Reed for her services with the Lincoln-Lancaster County Health Department.

- 3) **PUBLIC COMMENT:**

Eleanor Francke, Walton, Nebraska, submitted written testimony into the record regarding her concerns and suggestions relating to an amusement license submitted by Cara Carney and Brad Bray (Exhibit 1).

4) **CLAIMS:** Approval of all claims processed through Tuesday, March 1, 2005.

MOTION: Stevens moved and Workman seconded approval of all claims processed through March 1, 2005. Workman, Stevens and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

- A. **County Special Permit 04066, West Yankee Hill Acres Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Country Plaza, L.L.C., for eight single family residential acreage units, and associated waiver requests, on property generally located west of the intersection of Southwest 98th Street and West Yankee Hill Road in Lancaster County, Nebraska.**
- B. **County Preliminary Plat 04029, West Yankee Hill Acres, requested by Brian D. Carstens and Associates on behalf of Country Plaza, L.L.C., for eight single family residential acreage lots, and associated waiver requests, on property generally located west of the intersection of Southwest 98th Street and West Yankee Hill Road in Lancaster County, Nebraska.**

The Board requested Public Hearing Items 5A and 5B be heard together.

Heier opened the public hearings.

The Clerk administered the oath to Brian Carstens, appearing on behalf of Country Plaza, L.L.C.

Carstens stated the proposal is for eight dwelling units with individual septic and wells and a private roadway. He added there were a number of issues to address including a pipeline running through the southern end of the property, a private air strip to the south and west of the project and flood plain.

Heier asked if anyone else wished to testify.

No one appeared and the hearings were closed.

5) **PUBLIC HEARINGS CONTINUED:**

MOTION: Stevens moved and Workman seconded to direct the County Attorney's Office to draft resolutions for approving County Special Permit 04066, West Yankee Hill Acres Community Unit Plan, and County Preliminary Plat 04029, West Yankee Hill Acres. Heier, Workman and Stevens voted aye. Motion carried.

C. Automatic renewal of the following retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 00-148 adopted December 12, 2000 for which the County Clerk has received no protests:

Bennet Hideaway Bed & Breakfast	Merle's Food and Drink
Branched Oak Marina	Mike's 66 and Towing Company
Castaways Bar & Grill/Pawnee Marina	Outpost Tavern
Crooked Creek Golf Club	P.O. Pears on the Lake
Dusty's Bar & Grill	Penalty Box Pub
Emerald Mini-Mart	Pla-Mor Ballroom
Firethorn Golf Club	Prime Country Winery
Fosters Tap	Raymono's Pizza Plus
Gas 'N Shop	Shoemaker's South Truck Stop
Hi Mark Golf Club	Silver Spoke Saloon
Hidden Valley Golf Course & Club	Star City Hockey
Hillcrest Country Club	Toni's Corner
James Arthur Vineyards	U-Stop Convenience Shop
Kabredlos #117	Veterans FW 3606
Lincoln Izaak Walton League	Yankee Hill Country Club
Major Oil	

Heier opened the public hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Workman seconded approval of the automatic renewal of retail liquor and beer licenses as listed. Heier, Workman and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS CONTINUED:**

D. Public comment on the application from Lancaster County and the City of Lincoln for an Edward Byrne Memorial Justice Grant (JAG) Program.

Chief Deputy County Sheriff, Bill Jarrett, appeared and gave a brief overview of the Edward Byrne Memorial Justice Grant (JAG). He stated the State of Nebraska would receive \$1,137,471 from the JAG Grant funds. Of those funds, the City of Lincoln and Lancaster County will receive \$310,324 with approximately \$55,000 being allocated for facility use, \$80,000 to be allocated to the Lincoln Police Department, \$25,000 to the Lancaster County Sheriff's Office, \$25,000 to the University of Nebraska Police Department and \$124,130 to the County Attorney. Jarrett stated the funding the Sheriff's Office receives is used to provide one person for the Drug Task Force.

Heier asked if anyone else wished to provide testimony.

No one appeared.

6) **OLD BUSINESS:**

A. A maintenance service agreement with Election Systems & Software, Inc. for maintenance for the voter tabulation equipment (counting machines) utilized by the Lancaster County Election Commission's Office. The agreement will be in effect for a one year period beginning October 1, 2004. The County will pay \$6,750 for the services. (C-05-0090)

Dave Shively, Election Commissioner, appeared and briefly explained that Election Systems & Software (ESS) provides maintenance and support services on a time and material basis.

Stevens suggested the agreement be held one week.

Discussion followed regarding new equipment to be purchased as required by the provisions of the *Help America Vote Act*.

Board consensus to defer the item for one week.

6) OLD BUSINESS CONTINUED:

B. An application for an amusement license from Cara Carney and Brad Bray to hold a country music festival on August 13 and August 14, 2005 at 15305 Van Dorn Street, Walton, Lancaster County, Nebraska. Hours for the festival will be 10 a.m. to 1 a.m. on Saturday and from 9 a.m. to 8 p.m. on Sunday.

Brad Bray and Cara Carney, applicants for an amusement license, appeared to answer any questions asked by the Board.

In reference to conditions suggested by Eleanor Francke (see Exhibit 1 under Public Comment), both Bray and Carney indicated they have no problem with meeting condition one and three (a). As for condition two, Carney explained they could have an ambulance on site. Bray indicated he didn't think any of the volunteer fire departments would be able to provide a tanker for a two day period.

Discussion followed regarding additional information pertaining to insurance and a text amendment to the zoning regulations.

MOTION: Workman moved denial of the application for an amusement license.

Motion failed for lack of a second.

Heier asked if the item would appear back on the agenda for March 8th.

Kerry Eagan, Chief Administrative Officer, indicated it would be up to the Board whether to reschedule the item for next week's agenda.

Carney stated they would have to withdraw the application because the text amendment would take longer than one week to process.

Heier suggested the application be scheduled on the March 8th agenda.

Board consensus was to reschedule the application as Old Business on the March 8th Board of Commissioners' agenda. The applicants agreed to the one week deferral.

6) **OLD BUSINESS CONTINUED:**

- C. An application for a special designated license from Four Sons, Inc. d/b/a Trakside Bar, located at 13901 Guildford in Waverly, Nebraska to provide liquor beverage service in relation to an application for an amusement license (Old Business Item 6B) from Cara Carney and Brad Bray to hold a country music festival on August 13 and August 14, 2005.

MOTION: Workman moved denial of the application for a special designated license from Four Sons, Inc. d/b/a Trakside Bar.

Motion failed for lack of a second.

Stevens suggested deferring the item for one week because it is related to the application for amusement license (Old Business Item 6B).

MOTION: Stevens moved and Heier seconded to defer the application for a special designated license from Four Sons, Inc. d/b/a Trakside Bar for one week. Stevens and Heier voted aye. Workman voted no. Motion carried.

7) **NEW BUSINESS:**

- A. A grant contract with Lincoln Chamber of Commerce, in the amount of \$5,000, for a social marketing campaign including identification of specific target audiences as it relates to the Community Services Initiative project. Term of the grant contract is January 1, 2005 through June 30, 2005. (C-05-0118)

MOTION: Stevens moved and Workman seconded approval of a grant contract with Lincoln Chamber of Commerce, in the amount of \$5,000, for a social marketing campaign including identification of specific target audiences as it relates to the Community Services Initiative project. Stevens, Workman and Heier voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

B. Supplemental Agreement Number 2 with the State of Nebraska, Department of Roads for Project BR-5204(2), Pioneers Boulevard. The County previously entered into a program agreement with the State regarding this project on August 10, 1999. The supplemental agreement provides for the addition of one State part-time employee to serve as the State representative providing supervision and inspection services. All other terms and conditions of the original agreement will apply. (C-05-0119)

MOTION: Stevens moved and Workman seconded approval of Supplemental Agreement Number 2 with the State of Nebraska, Department of Roads for Project BR-5204(2), Pioneers Boulevard. Stevens, Heier and Workman seconded approval. Motion carried.

C. An interlocal agreement with the State of Nebraska, Department of Roads for Project C55-S-401(6), Hickman Viaduct to construct a viaduct over the Burlington Northern Sante Fe (BNSF) railway and Salt Creek on South 68th Street. The State will provide payment of 50 percent of eligible project costs for preliminary engineering, right-of-way acquisition and construction, not to exceed \$2,500,000. (C-05-0120)

MOTION: Stevens moved and Workman seconded approval of an interlocal agreement with the State of Nebraska, Department of Roads for Project C55-S-401(6), Hickman Viaduct to construct a viaduct over the Burlington Northern Sante Fe (BNSF) railway and Salt Creek on South 68th Street. Stevens, Heier and Workman voted aye. Motion carried.

D. An agreement with Educational Service District 101 for Corrections Learning Network (CLN) programming for Lancaster County Corrections. Educational Service District 101 will provide the County with a satellite dish and programming for inmates and staff. The County will provide Educational Service District 101 with information regarding school enrollment and classroom size. Term of the agreement is from the date of execution until June 14, 2005. (C-05-0123)

7) **NEW BUSINESS CONTINUED:**

Mike Thurber, Corrections Director, asked if the agreement ended in 2005 or 2006.

Tom Fox, Deputy County Attorney, requested that the agreement be held for further review.

Item held at the request of the County Attorney's Office.

E. A resolution in the matter of County maintenance of the following roads located in Winsor Ridge West Addition: approximately 1,493 feet of West Mountain Ash Drive, approximately 1,070 feet of West Ginkgo Lane and approximately 568 feet of Southwest 81st Court. (R-05-0017)

MOTION: Workman moved and Stevens seconded approval of Resolution 05-0017 in the matter of County maintenance of the following roads located in Winsor Ridge West Addition: approximately 1,493 feet of West Mountain Ash Drive, approximately 1,070 feet of West Ginkgo Lane and approximately 568 feet of Southwest 81st Court. Workman, Heier and Stevens voted aye. Motion carried.

F. A resolution in the matter of County maintenance of the following roads located in Bentzinger's Pleasant Acres: approximately 600 feet of Stella Maria Avenue and approximately 983 feet of Southwest 15th Street Circle. (R-05-0018)

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0018 in the matter of County maintenance of the following roads located in Bentzinger's Pleasant Acres: approximately 600 feet of Stella Maria Avenue and approximately 983 feet of Southwest 15th Street Circle. Heier, Workman and Stevens voted aye. Motion carried.

G. A resolution approving the establishing of a County Visitors' Improvement Fund and imposing an additional sales tax of two percent upon the total consideration charged for occupancy of any space furnished by any hotel. The effective date of the additional sales tax will be July 1, 2005. (R-05-0019)

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of Resolution 05-0019 approving the establishing of a County Visitors' Improvement Fund and imposing an additional sales tax of two percent upon the total consideration charged for occupancy of any space furnished by any hotel. Stevens, Workman and Heier voted aye. Motion carried.

H. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- ▶ Progressive Construction Company, L.L.C., in the amount of \$76,424.58, for the vehicle storage building for the Sheriff's Office.
- ▶ Sinclair Hille Architects, in the amount of \$810, for architectural services for the Sheriff's vehicle garage

Total payment request is \$77,234.58.

MOTION: Workman moved and Stevens seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund, in the total amount of \$77,234.58. Workman, Heier and Stevens voted aye. Motion carried.

I. Request from Vince Ponce, with the Lancaster County Corrections Department, for early retirement due to a disability.

MOTION: Stevens moved and Workman seconded approval of a request from Vince Ponce, with the Lancaster County Corrections Department, for early retirement due to a disability. Heier, Workman and Stevens voted aye. Motion carried.

J. Reappointment and appointment of the following individuals to the Lincoln-Lancaster County Commission on the Status of Women:

- ▶ Barbara A. Ramsey to a two year term to expire on January 1, 2007. (Reappointment)
- ▶ Jeri L. Brandt to a two year term to expire on March 1, 2007. (Reappointment)
- ▶ Leslie K. Doyle to the remainder of a two year term to expire on January 1, 2007. (New appointment to replace Meredith Decory)
- ▶ Marcia Louise Malone to the remainder of a two year term to expire on March 1, 2006. (New appointment to replace Roberta Stick)

7) **NEW BUSINESS CONTINUED:**

- ▶ Lori Vidlak to the remainder of a two year term to expire on March 1, 2006. (New appointment to replace Holly Burns)

It was noted that the name of the agency should be the Lincoln-Lancaster Women's Commission.

MOTION: Stevens moved and Workman seconded approval of the reappointments and appointments to the Lincoln-Lancaster Women's Commission. Workman, Stevens and Heier voted aye. Motion carried.

- 8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting of a public hearing for Tuesday, March 15, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Change of Zone 04087, from AG Agricultural District to B Business District, requested by Rudolf Strnot, to construct and operate a mini-storage facility on approximately three acres of property generally located on the southeast corner of 134th and "O" Streets (Highway 34) in Lancaster County, Nebraska.

B. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:

- ▶ Martin Pella, with the Lancaster County Attorney's Office
- ▶ Elizabeth Peterson, with Lancaster Manor

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ Steven M. Champoux, in the amount of \$1,135, one-half mile west of the intersection at North 134th and "A" Streets; Project C.P.J-46 (C-05-0121)
- ▶ Larry M. and Kathryn R. Dvorak west of Northwest 84th Street on West McKlevie Road; Project C.P.E-34. This is a donation. (C-05-0122)

8) **CONSENT ITEMS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of the Consent Items. Workman, Stevens and Heier voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:40 p.m.. Heier, Workman and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 1, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier
Ray Stevens
Bob Workman

Commissioners Absent: Larry Hudkins, Chair
Deb Schorr, Vice Chair

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:40 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 22, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated February 22, 2005. Stevens, Workman and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 497 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**CenterPointe, Inc.
Christ's Place
Gates of Praise
NET - Foundation for Television**

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Workman, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Workman moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:41 p.m.. Stevens, Heier and Workman voted aye. Motion carried.

Bruce Medcalf
County Clerk